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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO |
|-----------------------------------|----------------|----------------------|-------------------------|-----------------|
| 09/855,596 | 05/16/2001 | Wayne Y. Lee | | 9351 |
| 7: | 590 04/06/2004 | | EXAMII | NER |
| Cassan Macle | an | | PATEL, RAMESH B | |
| Suite 401 80 Aberdeen St | reet | | ART UNIT | PAPER NUMBER |
| Ottawa Ontario, K1S 5R5 CANADA | | | 2121 | 11 |
| CANADA | | | DATE MAILED: 04/06/2004 | ' (- |

Please find below and/or attached an Office communication concerning this application or proceeding.

| • | Application No. | Applicant(s) |
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| Office Action Symmony | 09/855,596 | LEE ET AL. |
| Office Action Summary | Examiner | Art Unit |
| TI MANUAL DATE of this communication com | Ramesh B. Patel | 2121 |
| The MAILING DATE of this communication app Period for Reply | lears on the cover sheet with the C | orrespondence address |
| A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b). | 36(a). In no event, however, may a reply be ting within the statutory minimum of thirty (30) day will apply and will expire SIX (6) MONTHS from a cause the application to become ABANDONE | nely filed /s will be considered timely. In the mailing date of this communication. D (35 U.S.C. § 133). |
| Status | | |
| 1) Responsive to communication(s) filed on <u>09 M</u> 2a) This action is FINAL. 2b) This 3) Since this application is in condition for allowar closed in accordance with the practice under E | action is non-final. nce except for formal matters, pro | |
| Disposition of Claims | , | |
| 4) ☐ Claim(s) 9-11 is/are pending in the application. 4a) Of the above claim(s) is/are withdraw 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) 9-11 is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) are subject to restriction and/or | wn from consideration. | |
| Application Papers | | |
| 9) The specification is objected to by the Examine 10) The drawing(s) filed on is/are: a) accomplicant may not request that any objection to the Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the Examine | epted or b) objected to by the drawing(s) be held in abeyance. Se ion is required if the drawing(s) is ob | e 37 CFR 1.85(a). ojected to. See 37 CFR 1.121(d). |
| Priority under 35 U.S.C. § 119 | | |
| 12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of: 1. Certified copies of the priority documents 2. Certified copies of the priority documents 3. Copies of the certified copies of the priority documents application from the International Bureau * See the attached detailed Office action for a list | s have been received. s have been received in Applicat rity documents have been receive u (PCT Rule 17.2(a)). | ion No ed in this National Stage |
| Attachment(s) 1) Notice of References Cited (PTO-892) | 4) 🔲 Interview Summary | r (PTO-413) |
| Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date | Paper No(s)/Mail D | |

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DETAILED ACTION

1. Claims 9-11 are presented for examination. Claims 1-8 have been withdrawn without traverse/prejudice due to the restriction/election requirement and as stated in the amendment filed on 3/9/2004, see page 7, lines 1-3 of Remarks/Arguments section.

However, applicant is suggested to cancel these claims in response to this office action.

Claim Objections

2. Claim 9 is objected to because of the following informalities: claim 9, line 15, the term "e)" should be "d)" because after step "c)" the next step should be step "d)".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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Claims 9-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Boden et al. (US Patent 4,770,841).

As to claims 9-11, Boden teaches the invention including a method and datagram for use in communicating between a user terminal and a control system controlling at least one optical device, the method comprising: creating a datagram at a source, said datagram having a source address field, a source field denoting an address of a source optical device (see, figures 3-5 and col. 1, lines 19-34 and col. 4, lines 40-65); a destination field denoting an address of a destination optical device and a system overhead field containing data (see, figures 3-5 and col. 4, lines 40-65 and col. 8, lines 34-46); a command field containing an indication of at least one step to be executed regarding said data (see, figures 1-5 and col. 1, lines 19-51 ad col. 3, lines 53-63); and transmitting said datagram to a destination extracting said data at said source and initiating said at least one step wherein said datagram is used internally by said control system to communicate between different modules in said control system (see, abstract and figures 1-5 and col. 3, lines 53-63 and col. 4, lines 40-65 and col. 8, lines 34-46).

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramesh B. Patel whose telephone number is 703-308-6673. The examiner can normally be reached on M-Th; 7:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anil Khatri can be reached on 703-305-0282. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-9051 for regular communications and 703-305-3718 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Ramesh B. Patel Primary Examiner Art Unit 2121

April 2, 2004